

AMENDED IN ASSEMBLY JUNE 22, 2011

AMENDED IN SENATE MAY 10, 2011

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 910

Introduced by Senator Lowenthal

February 18, 2011

An act to amend Sections 21460 and 21750 of, and to add Section 21750.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 910, as amended, Lowenthal. Vehicles: bicycles: passing distance.

(1) Under existing law, a driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction is required to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to certain limitations and exceptions. A violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first conviction, and up to a \$250 fine for a 3rd and subsequent conviction occurring within one year of 2 or more prior infractions.

This bill would recast this provision as to overtaking *and passing* a bicycle by requiring the driver of a motor vehicle overtaking *and passing* a bicycle that is proceeding in the same direction *on a highway* to pass at a safe distance, at a minimum clearance of 3 feet, or at a speed not exceeding 15 miles per hour faster than the bicycle, without interfering in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, *having due regard for*

the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway. The bill would prohibit the driver of the motor vehicle that is overtaking or passing a bicycle proceeding in the same direction on a highway from passing at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator, except as provided. The bill would make a violation of this provision an infraction punishable by a \$35 fine. The bill would also require the imposition of a \$220 fine on a driver if a collision occurs between a motor vehicle and a bicyclist causing bodily harm to the bicyclist, and the driver is found to be in violation of the above provisions.

(2) Existing law prohibits a person from driving a vehicle to the left of double parallel solid lines, or double parallel lines, one of which is broken, except as provided. Notwithstanding that prohibition, existing law permits a driver to cross those double parallel lines if the driver is turning to the left at any intersection or into or out of a driveway or private road or making a U-turn under the rules governing that turn.

This bill would additionally permit a driver of a motor vehicle to cross those double parallel lines ~~if the driver is on~~ in a substandard width lane, as described, ~~passing to pass~~ a person ~~riding~~ operating a bicycle ~~or operating a pedicab~~ in the same direction, ~~and it is safe to do so if in compliance with a specified provision.~~

Because this bill would create a new crime and would expand the scope of an existing crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21460 of the Vehicle Code is amended
- 2 to read:
- 3 21460. (a) If double parallel solid lines are in place, a person
- 4 driving a vehicle shall not drive to the left of those lines, except
- 5 as permitted in this section.

(b) If double parallel lines, one of which is broken, are in place, a person driving a vehicle shall not drive to the left of those lines, except as follows:

(1) The driver on that side of the roadway in which the broken line is in place may cross over the double lines or drive to the left of the double lines if the driver is overtaking or passing other vehicles.

(2) As provided in Section 21460.5.

(c) (1) Either of the markings, as specified in subdivision (a) or (b), does not prohibit a driver to whom ~~any~~ *either* of the following applies from crossing the marking:

~~(A) The driver is on a substandard width lane, passing a person riding a bicycle or operating a pedicab in the same direction, and it is safe to do so. For purposes of this subdivision, a “substandard width lane” is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.~~

~~(B)~~

(A) The driver is turning to the left at any intersection or into or out of a driveway or private road.

~~(C)~~

(B) The driver is making a U-turn under the rules governing that turn.

(2) Either of the markings as specified in subdivision (a) or (b) shall be disregarded if authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21657.

(d) Raised pavement markers may be used to simulate painted lines described in this section if the markers are placed in accordance with standards established by the Department of Transportation.

(e) (1) The driver of a motor vehicle in a substandard width lane on a two-lane highway may drive to the left of either of the markings specified in subdivision (a) or (b) to pass a person operating a bicycle proceeding in the same direction, if in compliance with Section 21751.

(2) For purposes of this subdivision, a “substandard width lane” means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

SEC. 2. Section 21750 of the Vehicle Code is amended to read:

1 21750. The driver of a vehicle overtaking another vehicle
2 proceeding in the same direction shall pass to the left at a safe
3 distance without interfering with the safe operation of the overtaken
4 vehicle, subject to the limitations and exceptions set forth in this
5 article.

6 SEC. 3. Section 21750.1 is added to the Vehicle Code, to read:

7 ~~21750.1. (a) The driver of a motor vehicle overtaking a bicycle~~
8 ~~proceeding in the same direction shall pass at a safe distance, at a~~
9 ~~minimum clearance of three feet or at a speed not exceeding 15~~
10 ~~miles per hour faster than the speed of the bicycle, without~~
11 ~~interfering with the safe operation of the overtaken bicycle.~~

12 21750.1. (a) *The driver of a motor vehicle overtaking and*
13 *passing a bicycle that is proceeding in the same direction on a*
14 *highway shall pass in compliance with the provisions of this article*
15 *applicable to overtaking and passing a vehicle, and shall do so at*
16 *a safe distance that does not interfere with the safe operation of*
17 *the overtaken bicycle, having due regard for the size and speed of*
18 *the motor vehicle and the bicycle, traffic conditions, weather, and*
19 *the surface and width of the highway.*

20 (b) *A driver of a motor vehicle shall not overtake or pass a*
21 *bicycle proceeding in the same direction on a highway at a distance*
22 *of less than three feet between any part of the motor vehicle and*
23 *any part of the bicycle or its operator, except that the driver may*
24 *pass the overtaken bicycle with due care at a distance of less than*
25 *three feet at a speed not greater than 15 miles per hour, if in*
26 *compliance with subdivision (a).*

27 ~~(b)~~

28 (c) (1) A violation of subdivision (a) is an infraction punishable
29 by a fine of ~~thirty five~~ *thirty-five* dollars (\$35).

30 (2) If a collision occurs between a motor vehicle and a bicycle
31 causing bodily injury to the bicyclist, and the driver of the motor
32 vehicle is found to be in violation of subdivision (a), a two hundred
33 twenty dollar (\$220) fine shall be imposed on that driver.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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